

SUBSTITUTION - \$50,000 non-refundable, liquidated damages at Nevada Title

The United States filed a Motion to Substitute and to Forfeit Property of Power Company, Inc., (ECF No. 549) to be used towards satisfaction of the Power Company's criminal forfeiture money judgment. This Court entered the Order (ECF No. 555) authorizing the substitution and forfeiture of the following asset pursuant to Title 18, United States Code, Section 1963(m): \$50,000 non-refundable, liquidated damages at Nevada Title, Account Number 53790356718 (property).

The Federal Bureau of Investigation took the property into custody (ECF No. 556).

On December 3, 2015, Joseph Leo VanCoutren was served with the Motion to Substitute and to Forfeit Property of Power Company, Inc., the Order, and the Notice via first class regular mail and certified return receipt requested mail, tracking number 7015 1520 0001 4971 5664. Notice of Filing Service of Process, ECF No. 557.

On December 9, 2015, the Power Company and Frederick John Rizzolo were personally served through their attorney, Sigal Chattah, with the Order and the Notice. Notice of Filing Service of Process, ECF No. 559.

On December 9, 2015, the Power Company was personally served through its registered agent, John E. Dawson, with the Order and the Notice. Notice of Filing Service of Process, ECF No. 559.

On December 10, 2015, the Power Company and Frederick John Rizzolo were personally served through their attorney, Anthony P. Sgro, with the Order and the Notice. Notice of Filing Service of Process, ECF No. 559.

On December 11, 2015, the Power Company and Frederick John Rizzolo were personally served through their attorney, Bud Hafer, with the Order and the Notice. Notice of Filing Service of Process, ECF No. 559.

On December 10, 2015, Frederick John Rizzolo was personally served through his attorney, Dominic P. Gentile, with the Order and the Notice. Notice of Filing Service of Process, ECF No. 559.

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1 On December 11, 2015, Frederick John Rizzolo was personally served through his attorney,
2 Margaret W. Lambrose, with the Order and the Notice. Notice of Filing Service of Process, ECF No.
3 559.

4 Herbert Sachs could not be served on behalf of Frederick John Rizzolo with the Order and the
5 Notice because he died on February 25, 2015. Notice of Filing Service of Process, ECF No. 559.

6 On December 10, 2015, Kirk Henry was personally served through his attorneys, Donald J.
7 Campbell and Philip R. Erwin, with the Order and the Notice. Notice of Filing Service of Process, ECF
8 No. 559.

9 This Court finds the United States of America published the notice of forfeiture in accordance
10 with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively from
11 November 14, 2015, through December 13, 2015, notifying all potential third parties of their right to
12 petition the Court. Notice of Filing Proof of Publication, ECF No. 558.

13 This Court finds no petition was filed herein by or on behalf of any person or entity and the time
14 for filing such petitions and claims has expired.

15 This Court finds no petitions are pending with regard to the assets named herein and the time for
16 presenting such petitions has expired.

17 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all right, title,
18 and interest in the property hereinafter described is condemned, forfeited, and vested in the United
19 States of America pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P. 32.2(c)(2); Title
20 18, United States Code, Section 1963(a)(1), (a)(2), (a)(3), (d)(7) and (m) and shall be disposed of
21 according to law: \$50,000 in United States Currency which will be applied towards the criminal
22 forfeiture money judgment of \$4,250,000 in United States Currency.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited funds,
24 including but not limited to, currency, currency equivalents, certificates of deposit, as well as any
25 income derived as a result of the United States of America's management of any property forfeited
26 herein, and the proceeds from the sale of any forfeited property shall be disposed of according to law.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of this
2 Order to all counsel of record and three certified copies to the United States Attorney's Office, Attention
3 Daniel D. Hollingsworth, Asset Forfeiture Unit.

4 DATED this 20th day of January, 2016.

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8 UNITED STATES DISTRICT JUDGE
9 KENT J. DAWSON
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PROOF OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on January 15, 2016, and by the below identified method of service:

First Class Mail:

Joseph Leo Van Coutren
2855 Montair Avenue
Long Beach, CA 90815

/s/ Michelle C. Lewis
MICHELLE C. LEWIS
Paralegal Specialist